

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC	)	EB Docket No. 11-71
	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various Authorizations in the Wireless Radio Services)	
)	
Applicant for Modification of Various Authorizations in the Wireless Radio Services)	
	)	Application File Nos. 0004030479,
	)	0004144435, 0004193028, 0004193328,
Applicant with ENCANA OIL AND GAS (USA), INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004354053, 0004309872, 0004310060,
MIDSTREAM, LP; JACKSON COUNTY RURAL	)	0004314903, 0004315013, 0004430505,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET	)	0004417199, 0004419431, 0004422320,
SOUND ENERGY, INC.; ENBRIDGE ENERGY	)	0004422329, 0004507921, 0004153701,
COMPANY, INC.; INTERSTATE POWER AND	)	0004526264, 0004636537,
LIGHT COMPANY; WISCONSIN POWER AND	)	and 0004604962
LIGHT COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.; ATLAS)	
PIPELINE – MID CONTINENT, LLC; DENTON)	
COUNTY ELECTRIC COOPERATIVE, INC., DBA)	
COSERV ELECTRIC; AND SOUTHERN)	
CALIFORNIA REGIONAL RAIL AUTHORITY)	
)	

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

Errata copy [**]
PROPOSED SCHEDULE
From Warren Havens^[*]

1. Order, FCC 13M-17 (ALJ, rel. Aug. 14, 2013) directed the Enforcement Bureau, Maritime, and Mr. Havens (the undersigned) to respond by submitting proposed scheduling (“Response”), jointly if possible. As shown in Exhibit 2 hereto, Maritime and the Bureau first

[*] This is filed under the short deadline extension granted by Judge Sippel in response to my email request today as to a short time extension. See Exhibit 2 as to why I am about 40 minutes late versus the 3 pm extended filing time.

[**] Corrective deletions shown in striketout and additions in text in boxes.

communicate among themselves as to a Response, as well as potential settlement “to resolve [settle] the remaining substantive questions pertaining to Issue G,” as described to me. Thereafter, last Friday afternoon, I was provided a copy of their proposed Response. (See Exhibit 2.) In my responsive emails, I requested certain relevant information, but they declined to provide substantive responses as to the related settlement potential and the schedule for the hearing. My requests were for the purpose of a possible joint Response, and to try to find out what they meant by a potential settlement, and if they indeed wanted to include me in that on some reasonable basis.¹ The discussions that included me, indicated above, were all in email. As Exhibit 2 below, I attach a copy of the email string showing this discussion, since it is relevant to my attempt to meet and confer and to parts of this Response below.

2. I am willing to further attempt with the Bureau and Maritime (and believe this must include Choctaw as well: see below) to agree on a joint schedule, if the Judge so orders. I do not believe that, short of such an Order, the Bureau and Maritime will seriously do that. Exhibit 2 reflects this conclusion, as well as past attempts by me to communicate with Maritime’s counsel and the Bureau’s counsel in this hearing on matters where the Judge instructed joint or coordinated submissions (e.g. on the Glossary exercise).²

¹ I do not herein disclose content of any such settlement discussion, and I have no such content at this time, and no SkyTel legal entity has any such content at this time.

² As background, and as substantially shown in pleadings in this hearing (and in the Havens-parties’ “petition” proceedings described in FCC 11-64): Over most of a decade, I have tried to get the simple issues of fact and law, now called “issue (g)” in this proceeding, to be resolved by accurate required disclosures of Maritime and its predecessor Mobex, its persons in control, and the FCC including the Enforcement Bureau. This has been resisted directly and indirectly, and to this day is resisted. Critical evidence is hidden, spoiled, and when presented avoided. Information shared by Maritime and its affiliates with the Bureau and other parts of the FCC are withheld to me, by assertions of FOIA exemptions, as to information that must be provided in the subject public FCC filings (other information could have been redacted). Since I have not changed my position on these (no good cause has been shown to me to change), and the Bureau

3. To be clear, the Bureau and Maritime are not, at this time, engaged in discussions with me to resolve or settle the remaining substantive questions pertaining to Issue G. It is not clear if their bilateral settlement discussions will later involve me. To date, they have declined. This is reflected in Exhibit 2 hereto. I thus have no current basis to factor this in to a proposed schedule. I do not know, until I review the filed Response of the Bureau and Maritime, if I will oppose elements of their Response. I will likely oppose a settlement proposal they come up with for submission to the Judge that did not include me under reasonable protocols including since it may unacceptably compromise the interests I have, and the public interest, and cause substantial further pleadings in many pending proceedings on Maritime's site-based licenses before the Wireless Bureau and Commission (which I believe may, in turn, affect issue (g) matters in this hearing under 11-71).

4. I intend to have, but have not yet fully secured, legal counsel for the hearing and some pre-hearing matters. I believe that, on balance, this will better enable me and interests I represent (I am the President of "SkyTel" legal entities designated as parties in FCC 11-64) to effectively participate in the procedures and substantive matters to complete the hearing. Once I secure counsel, they may request a modest extension of time on some items I propose below, if in the circumstance there is good cause to request that.

5. I propose the following schedule. An explanation of the first three rows is given below. It is modestly extended in time verses the draft given to me by the Bureau and Maritime.

apparently has more limited interests and other interests than what I present in my filings, this has apparently lead the Bureau to have little interest in communication with me on matters I believe and try to show are at the heart of this hearing in docket 11-71, except occasionally short instructions and communications that lack meaningful exchange. (The Bureau will, I am sure, disagree.) As for Maritime, its counsel have never been willing to discuss with me substantively, even when Ordered to do so by Judge Sippel. Said counsel in this hearing, Mr. Keller, explained his reasons. I opposed those reasons. On my side, I continue to attempt to communicate with the Bureau, and from time to time with Maritime counsel and Choctaw.

In this regard, the issue (g) matters are decades in the making, and years long since they have been before the Bureau and thereafter Judge Sippel. Maritime has obtained extensive additional time, directly and indirectly, in a final resolution of these matters, including by its bankruptcy (the results of which are on appeal by Skytel, success of which will effect actions taken by Maritime and Choctaw before the FCC including in this hearing). There does not appear to be good cause for a hearing schedule that is accelerated verses what I propose below.

[Go to next page.]

Substantive Motions regarding matters that should precede a hearing on issue (g) (see discussion below)	October 31, 2013
Response to Substantive Motions matters that should precede a hearing on issue (g) (see discussion below)	November 21, 2013
Determinations of the above may cause change in the below	
Direct Cases Exchanged – direct case exhibits and written direct testimony to be exchanged	6 weeks after the Presiding Judge rules on any Substantive Motions to Resolve Issue G (but excluding December 21-January 2)
Witness Notification for Cross Examination – exchange of witness lists	14 calendar days after Direct Cases exchanged
Objections to Witnesses for Cross Examination – exchange of witness lists	14 days after Witness Notification exchanged
Evidence Admission Session Objections to Direct Case exhibits and/or testimony Response to Objections to Direct Case exhibits and/or testimony Presiding Judge to Rule on Exhibit Objections	Three weeks after Objections to Witnesses for Cross Examination
Trial Briefs EB, Maritime, Skytel	Three weeks after Evidence Admission Session
Hearing Commences	A Tuesday three weeks after Trial Briefs are filed

6. As to the first item in the table above: I urge the presiding judge to permit ~~additional~~ reasonable time for the consideration of the following matters for reasons that are substantially apparent, including in the interest of maximizing judicial efficiency and minimizing potential conflict among decisions within the Federal Communications Commission. The proposed ~~pending settlement~~ and any other schedule may hinge upon the presentation and resolution of relevant motions affecting some or all of the following issues or matters:

1. What interests Warren Havens may assert, either on his own behalf or on behalf of the SkyTel companies, in this matter. (There is an open issue before the Judge in this regard: my last response has not been acted upon. I also note here that I am seeking to secure counsel, as noted above. But I may proceed pro se, to some extent.)
2. Whether Choctaw Telecommunications is an indispensable party to these proceedings. (I have raised this issue in this hearing, and before the Wireless Bureau. It is pending in both cases.)
3. Whether MCLM, in accordance with the Chapter 11 plan confirmed by the federal bankruptcy court for Mississippi, may proceed on its own in this matter. (I have raised this issue in this hearing, and before the Wireless Bureau. It is pending in both cases.)
4. Whether MCLM and Choctaw may proceed with their petitions, currently pending before the Wireless Telecommunications Bureau, for authorization to transfer licenses, including all of the site-based licenses, under relief they seek characterized as being pursuant to the *Second Thursday* doctrine, or footnote 7 of the Order to Show Cause/Hearing Designation Order, or other special relief, notwithstanding the presiding judge's denial of summary decision in FCC 13-M16 and intention to resolve issue (g) in this hearing in docket 11-71. (I have raised this issue also, and it is pending.)
5. Other issues or matters. See Exhibit 1 below.

Respectfully submitted,

/s/

Warren Havens

2509 Stuart Street, Berkeley CA 94705 / (510) 848 7797, 841 2220.

August 27, 2013

I submit these at this time as only as matters that may be subject to proper motions in the first row of the proposed schedule chart above. I am seeking legal counsel on these matters. Some of these may be included in par. 6 above (in other language):

1. Determination by Wireless Bureau (WB) re MCLM-Choctaw motion to allow site based to be kept and sold under Second T and FN7 special relief requests. Consider conflict re 11-71. Potentially: Either MCLM-Choctaw have to withdraw that request, as to the site based licenses, or the Judge and the Chief of WB have to decide which comes first. The WB put this matter on PN, and and got a lot of pleadings, and thus, Chief of WB seems to think that WB can decide this.

2. FCC decision on MCLM-Choctaw special request (docket __) for Second T and FN7 relief. FCC decision on MCLM assignment of the site based licenses to Choctaw.

3. Judge Sippel decides on Glossary. Otherwise, the whole purpose of this is lost. The need for this is shown in the Order on MSJ.

4. Determination by Wireless Bureau (B) on the pending issue presented by Skytel: if under the Ch 11 Plan, MCLM has full authority vs Choctaw to take any action with the MCLM icenses involved, including defend issue (g) in a Hearing. If not, then the effective transfer of control is not approved by Wireless Bureau and this issue (g) cannot go to Hearing. This is an issued since (a) Choctaw entered the hearing, acted for MCLM on its own (its pleadings not signed by MCLM), was hit by EB discovery, then left the Hearing, and (b) the Order on MSJ did not address Choctaw.

5. Determination of open issue in the hearing, presented by Skytel, of the evidence regarding the NCASS boxes, and the evidence from the NJ case discovery, and of MCLM withholding this in discovery in the hearing.

6. Determination by Wireless B/ Commission on Skytel's pending petitions: To find all the site based licenses auto terminated for lack of required continuity of service. Secondly, to find under 80.70 and the cooperation orders, not only failure to cooperate and thus reduction of spectrum and coverage limits, but also no construction at all. The Wireless B can, indeed, make negative inferences and this finding.

7. Determinations on our pending FOIA request that relate to MCLM. Have to check to see if any still pending before any part of the FCC.

8. Wireless B decisions re pending renewals of site based licenses.

Note: Herein, "Second T" means Second Thusday, "WB" or "Wireless B" means the Wireless Bureau, "MCLM" means Maritime, "SkyTel" includes Warren Havens, "our" means Skytel.
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9. The Northeast Utilities Order cited in the Judge's decision on the motion for summary decision is on appeal, including its standard to allow case by case, and what is sufficient attempt to get back on the air. Decision in this may affect this hearing in issue (g).

10. Wireless B decision on pending appeal by SkyTel re rule 80.385 coverage, as extended at request of Mobex by a rule change. This pertains to construction and permanent discontinuance. This is on appeal. This was appealed to to DC Circuit, then back to FCC and is still pending.

11. New discovery based on FRCP 56(d) considerations. Re the "100 NCASS boxes," the hundreds of other boxes per testimony of Mr. Predmore in the New Jersey case (Skytel entities v Maritime and Mobex), and perjury informed / instructed by Mr. Reardon (per Predmore testimony), MCLM counsel protecting the apparent fraud, crime. The site based licenses not constructed and in operation before sold to MCLM, etc. Knowledge of issue (g) facts held by Applicants, and not presented, or misrepresented. E.g., SCRRA knew site based not in operation with customers. These matters are substantially pending in this 11-71 hearing and the Wireless B.


12. The default of Mobex and thus its admissions in the New Jersey case. Admissions of violation of US antitrust law by Mobex and Maritime in concert as set forth in the SkyTel entities complaint. Ramifications under 47 USC §§314, 313 in the pending FCC proceedings including issue (g) in this 11-71 hearing.

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Note: Herein, "Applicants" means the parties listed in the caption above that seek or sought assignment of MCLM licensed spectrum.
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Exhibit 2

Attached in pages below.

For unknown reasons, my Adobe Pro program would not, in the PDF of this filing, insert the PDF of this Exhibit 2 (an 8 page email text). I rebooted but that did not solve the problem. I then selected the text and pasted it below. But it causes loss of some of the original email formatting. ~~I am thus submitting this Exhibit 2 as a separate PDF.~~ 

This took me an extra half hour, otherwise, I would have filed this on time.

///

* This errata copy has the Exhibit 2 email attached below. An associate at my office was able to integrate this.

Subject: Re: ** Maritime EB Docket 11-71

From: komã nú griðastaðir (warren.havens@sbcglobal.net)

To: Pamela.Kane@fcc.gov; rjk@telcomlaw.com;

Cc: Brian.Carter@fcc.gov; jstobaugh@telesaurus.com;

Date: Monday, August 26, 2013 4:36 PM

Ms. Kane:

Re my item 2 immediately below: That simple information on the numbered 3 items could have been provided in the time we are talking about this, at least sufficient for me to be able to either agree or not, or comment. The information must be in the Bureau and MCLM's possession. It takes no research or special drafting, only disclosure.

Re my items 1 and 3 immediately below: I take your non response to mean: "yes." (I asked simple questions, and gave the apparent answer.)

Re my item 5 immediately below: I take your non response to mean that you do not object to my description.

Since you and Mr. Keller provide no information to me to change what I described below as what I believe I should submit to the Judge, I will proceed with that.

Neither of you responded to any of the substantive issues I raised regarding the schedule. To say that you do not have time for that by tomorrow, when you asked for my input today and I provided what I believe are threshold issues, is at odds with the instruction of the Judge in my view.

Thank you,
WH

From: Pamela Kane <Pamela.Kane@fcc.gov>
To: "warren.havens@sbcglobal.net" <warren.havens@sbcglobal.net>; "rjk@telcomlaw.com" <rjk@telcomlaw.com>
Cc: Brian Carter <Brian.Carter@fcc.gov>; "jstobaugh@telesaurus.com" <jstobaugh@telesaurus.com>
Sent: Monday, August 26, 2013 4:02 PM
Subject: Re: ** Maritime EB Docket 11-71

Mr. Havens: To be clear, the Bureau did not refuse to provide you information in response to your three inquiries. We only indicated it would not be practical to provide that to you by tomorrow.

From: komã nú griðastaðir [mailto:warren.havens@sbcglobal.net]
Sent: Monday, August 26, 2013 06:35 PM Eastern Standard Time
To: Pamela Kane; Robert J. Keller <rjk@telcomlaw.com>
Cc: Brian Carter; Jimmy Stobaugh <jstobaugh@telesaurus.com>
Subject: Re: ** Maritime EB Docket 11-71

Ms. Kane, Mr. Keller,

1. You indicate below that Maritime and you were earlier discussing the schedule. Given that the Judge asked for the three parties to discuss and present a joint schedule, I think you should have included me from the start. I assume that a reason for this is that you were discussing potential settlement on a bilateral basis:

- Is that correct?

Thus, I disagree with your point on this item.

2. By your response below, do you mean that you will not provide to me what you currently know as to the 3 items I list? That does not seem hard to do or unrealistic.

3. I note that the Bureau's last filing in the Wireless Bureau docket on the special relief requests by MCLM and Choctaw (regarding Second Thursday, Footnote 7, etc.), you concluded with certain general comments on Footnote 7. My filings took a much different position on that. There is no Commission "Footnote 7 doctrine" or the like, etc. and, with litigation counsel, I believe we will win on that ultimately, including if we need to take it to the DC Circuit Court, which we are already prepared to do. I note that here since I am guessing (as anyone could easily guess), that MCLM and the Bureau are discussion settlement on the licenses in issue (g) in relation to the purported extraordinary need contemplated in that footnote, and its purported legitimate expansion beyond one railroad, and that you did not want me involved in that, at least to date.

- If that correct? (Any substantive response should not be in this email string, but in the one under settlement confidentiality.)

4. Assuming you will not provide that simple information by 10 am tomorrow your time (I have to assume that at this point), then to be clear:

- I will object as inaccurate to any mention by the Bureau and/or MCLM in or in relation to your contemplated two-party schedule filing that I am (Havens is) involved in any discussion of settlement or resolution.
- I intend to accurately inform the Judge that I was approached on the possible settlement matter and agreed to listen to what you two apparently already are discussing (that is apparent now since you do not deny that, and I have raised it a number of times) but you would provide to me any description of that, after I requested it, so that I could decide on this initial element of the schedule.
- I also intend to explain that I asked for your response to the items 2 and 3 I list below, but you would not respond.
- I intend to note that you would not agree to or discuss the other matters I presented below, and that you two indicated to me that you first discussed the schedule on a bilateral basis, only involving me Friday afternoon.
- For efficiently and to show the actual exchange, I may attach a copy of this email string.

I explain the preceding as part of my attempt to meet and confer. Thus, you are welcome to comment.

5. I do not see in your draft schedule, any confidentiality label. I thus assume that you do not believe that the fact that you two (Bureau and MCLM or MCLM-Choctaw) are involved in bilateral settlement communications is, itself, under confidential-settlement protection. I intend to take the same approach.

- Let me know if you object or have comments on this item.

Thank you,

- WH

From: Pamela Kane <Pamela.Kane@fcc.gov>

To: 'komá nú griðastaðir' <warren.havens@sbcglobal.net>; Robert J. Keller <rjk@telcomlaw.com>

Cc: Brian Carter <Brian.Carter@fcc.gov>; Jimmy Stobaugh <jstobaugh@telesaurus.com>

Sent: Monday, August 26, 2013 2:39 PM

Subject: RE: ** Maritime EB Docket 11-71

Mr. Havens:

You were certainly free to contact either the Bureau or Maritime in response to the Judge's Order at any time, as Maritime did. The Bureau worked as quickly as it could to provide the parties with a workable schedule.

In light of the timing constraints we now face, the Bureau believes it is unrealistic for the parties to respond to the requests you lay out below before tomorrow's filing deadline. Accordingly, in light of Maritime's earlier approval of the proposed schedule, the Bureau will file that schedule as a joint filing of Maritime and the Bureau only. You can then file whatever proposed schedule you feel appropriate in light of the Judge's Order.

Pamela S. Kane
Deputy Chief -- Investigations & Hearings Division
Federal Communications Commission
202-418-2393

From: komã nú griðastaðir [mailto:warren.havens@sbcglobal.net]
Sent: Monday, August 26, 2013 4:41 PM
To: Pamela Kane; Robert J. Keller
Cc: Brian Carter; Jimmy Stobaugh
Subject: Re: ** Maritime EB Docket 11-71

Ms. Kane and Mr. Keller (who appear to have the same position):

As I wrote, I cannot represent to the Judge that I am engaged in discussion of resolution/ settlement of issue (g) since I have no clue with MCLM, or MCLM and the Bureau, have in mind, and simply saying that I will listen to what MCLM, or MCLM and the Bureau have in mind, is not any sort of current participation in or commit to future participation in settlement / resolution talks.

Also, I may oppose delay of hearing matters once I hear about what MCLM or MCLM and the Bureau have in mind, if it appears unreasonable. I may seek a schedule with time for other related matters I believe should come before a hearing and prehearing matters in 11-71.

As I wrote below, there are issues to discuss among the parties before a schedule can be jointly presented, if that is your intent. In that regard, I did not get your draft until Friday afternoon, and have had since then only an hour or so business time to even work on these matters. I had to see what you would propose, since the Bureau is the party with the obligation to prosecute this (Havens et. al. do not have an obligation, but participate as we choose).

- It is not reasonable to present a substantial matter like this on a Friday afternoon for a response the next business day.

I do not know if the Judge may be available, even if on vacation, for a ruling on this simple extension request, especially if the parties agree to it.

If you still will not seek that from the Judge, then in order for me to provide to you comments on your draft that is in substantial part based on the parties engaging in settlement talks, I request that you send me asap today:

- (1) The substance, without material deletions, of your discussion to date on a settlement of issue (g): I mean between anyone in the Bureau and anyone representing MCLM and Choctaw.
- (2) Why you believe (as far as I can tell by your joint schedule draft and emails to me on it) that MCLM can, without Choctaw, commit to or propose a schedule, and proceed under it.
- (3) Why you believe that the issue (g) hearing can proceed, given that MCLM- Choctaw seek to resolve all remaining issues in issue (g) by their special relief requests before the Wireless Bureau (via Second Thursday, Footnote 7 etc.)

Thank you.

-WH

From: Pamela Kane <Pamela.Kane@fcc.gov>
To: 'komã nú griðastaðir' <warren.havens@sbcglobal.net>; Robert J. Keller <rik@telcomlaw.com>
Cc: Brian Carter <Brian.Carter@fcc.gov>; Jimmy Stobaugh <jstobaugh@telesaurus.com>
Sent: Monday, August 26, 2013 12:51 PM
Subject: RE: ** Maritime EB Docket 11-71

Mr. Havens:

We would not recommend seeking an extension of the Judge's Order at this late date. Indeed, as I understand it, he is on vacation this week and would not be in a position to rule on any such request.

Moreover, we do not think an extension is necessary. We believe the schedule we have proposed provides ample time for the parties to discuss the various issues you raise in the context of trying to resolve Issue G before we would have to file substantive motions. The dates beyond that are all dependent on the Judge's action. If you believe additional time is needed in the schedule, we are open to discussing that.

Thus, it is our intention to proceed with filing the proposed schedule we sent around on Friday. We ask that you send any comments or suggestions pertaining to that filing this evening in case they necessitate revising the proposed filing. Tomorrow morning is too late given that we must file this by noon Eastern time tomorrow.

Pamela S. Kane
Deputy Chief-- Investigations & Hearings Division
Federal Communications Commission
202-418-2393

From: komã nú griðastaðir [<mailto:warren.havens@sbcglobal.net>]
Sent: Monday, August 26, 2013 2:28 PM
To: Robert J. Keller; Pamela Kane
Cc: Brian Carter; Jimmy Stobaugh
Subject: Re: ** Maritime EB Docket 11-71

Ms. Kane, Mr. Keller,

First, please copy Jimmy Stobaugh on email to me, as I have requested in the past a number of times. Otherwise, I will not be able to respond as quickly in many cases.

Please consider the following:

If you two agree to it, then you have my consent to the following. If you need to do that on a confidential basis, that is acceptable to me. Non-confidential is also acceptable to me.

Ms. Kane would ask the Judge today to extend by one week the date for the three parties to submit the joint proposal given that they have agreed recently to engage in discussion this week as to possible settlement or resolution of remaining matters in issue (g), and the result of that discussion may affect the proposed schedule.

I would prefer to see a draft. I suggest in 1(i) below a possible addition to the above.

Discussion:

1. It also appears to me important that, in the extra week, the parties each determine their positions and inform the Judge thereof regarding matters related to the subject site-based licenses including:

(i) whether or not Choctaw is an indispensable party in this hearing, given the Chapter 11 Plan approved by the bankruptcy court that effects how MCLM proceeds with its licenses, and given the FCC proceeding on the licenses assignments to Choctaw and related special relief requests (including re Second Thursday and Footnote 7) which include the site-based licenses,

(ii) other matters and proceedings (I am reviewing these but do not have a coherent presentation at this time, for meet and confer).

- If you two want to add language that reflects item (i) to what is submitted to the Judge (if you agree to submit something as I propose above), then you have my consent to do that. Again, I would prefer to see a draft.

2. While you two may have had some exchange on settlement, as you know, I do not yet understand what MCLM (or MCLM and the Bureau) have in mind. Until I know that, during this week, I cannot think far as to what SkyTel may accept or counter propose. I thus lack a basis to agree to a schedule that considers possible settlement.

I have commenced discussion with advisers both on ideas for settlement, and on proceeding with this hearing if there is no settlement, and with related proceedings also involving the MCLM licenses.

As you know, I took positions in this hearing that were in part in accord with the Bureau and in part different or in addition, and some of those are reflected in the Order on the motion for summary decision and under that Order, and applicable procedure, may be pursued further in this hearing.

3. My proposal above, if made to and accepted by the Judge, is more likely to result in a joint proposal to the Judge, or one that reduces differences I may express. That appears important to attempt, including in consideration of the Judge's decision on the motion for summary decision that allows Havens to proceed as the Order described.

If you do not agree to submit the above to the Judge, or do that but it is rejected, then I will give comments tomorrow morning on your agreed upon schedule.

Thank you,

W. Havens

From: Robert J. Keller <rjk@telcomlaw.com>
To: 'Pamela Kane' <Pamela.Kane@fcc.gov>
Cc: 'Brian Carter' <Brian.Carter@fcc.gov>; 'Warren Havens' <warren.havens@sbcglobal.net>
Sent: Monday, August 26, 2013 10:26 AM
Subject: RE: ** Maritime EB Docket 11-71

I think it will look fine if you simply eliminate the vertical borders on that particular line, but it is not a big deal one way or the other. Will defer to your discretion.

From: Pamela Kane [<mailto:Pamela.Kane@fcc.gov>]
Sent: Monday, August 26, 2013 1:09 PM
To: 'Robert J. Keller'
Cc: Brian Carter; 'Warren Havens'
Subject: RE: ** Maritime EB Docket 11-71

Actually it was intentional to separate the items with specific dates from the items contingent upon the Judge acting but we can delete it

Pamela S. Kane
Deputy Chief -- Investigations & Hearings Division
Federal Communications Commission
202-418-2393

*** Non-Public: For Internal Use Only ***

From: Robert J. Keller [<mailto:rjk@telcomlaw.com>]
Sent: Monday, August 26, 2013 1:07 PM
To: Pamela Kane
Cc: Brian Carter; 'Warren Havens'
Subject: RE: ** Maritime EB Docket 11-71

P.S. – I assume the blank box in the table on page two is a formatting error and should be deleted.

From: Robert J. Keller [<mailto:rjk@telcomlaw.com>]
Sent: Monday, August 26, 2013 1:05 PM
To: 'Pamela Kane'
Cc: 'Brian Carter'; 'Warren Havens' (warren.havens@sbcglobal.net)
Subject: RE: ** Maritime EB Docket 11-71

Maritime is fine with the proposed schedule. Tomorrow I will circulate an email to try to establish a time later this week for a conference call to discuss possible settlement.

--

Bob Keller <rjk@telcomlaw.com>
PO Box 33428, Washington DC 20033
Tel 202.656.8490 | Fax 202.223.2121

From: Pamela Kane [<mailto:Pamela.Kane@fcc.gov>]
Sent: Friday, August 23, 2013 4:27 PM
To: rjk@telcomlaw.com; Warren Havens (warren.havens@sbcglobal.net)
Cc: Brian Carter
Subject: ** Maritime EB Docket 11-71

Bob and Mr. Havens:

Enclosed please find a proposed schedule for your consideration. In light of the fact that the Presiding Judge's Order requires only the Bureau, Maritime and Mr. Havens to submit a schedule and in light of Choctaw's limited party status in the hearing, we do not believe it is necessary for Choctaw to be involved in negotiating a proposed schedule and have thus not included them on this email.

Please let us know your thoughts on the proposed schedule. As a reminder, we need to be prepared to file this with the Judge by noon eastern time on Tuesday.

Pamela S. Kane
Deputy Chief -- Investigations & Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
202-418-2393

*** Non-Public: For Internal Use Only ***

Information from ESET Smart Security, version of virus signature database 8722 (20130823)

The message was checked by ESET Smart Security.

<http://www.eset.com>

_____ Information from ESET Smart Security, version of virus signature database 8722 (20130823)

The message was checked by ESET Smart Security.

<http://www.eset.com>

_____ Information from ESET Smart Security, version of virus signature database 8727 (20130825)

The message was checked by ESET Smart Security.

<http://www.eset.com>

_____ Information from ESET Smart Security, version of virus signature database 8730 (20130826)

The message was checked by ESET Smart Security.

<http://www.eset.com>

_____ Information from ESET Smart Security, version of virus signature database 8730 (20130826)

The message was checked by ESET Smart Security.

<http://www.eset.com>

_____ Information from ESET Smart Security, version of virus signature database 8730 (20130826)

The message was checked by ESET Smart Security.

<http://www.eset.com>

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CERTIFICATE OF SERVICE



The undersigned certifies that he has on this 27th day of August, 2013, caused to be served by first class United States mail copies of the foregoing “PROPOSED SCHEDULE” to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554 (by hand, courtesy copy)

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* Note: Only this errata copy will be served since it contains in full the original, and since the service date is the same as stated above.

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